



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 31, 2012

Glen Cook, Mayor
City of Winlock
PO Box 777
Winlock WA 98596

Re: City of Winlock, LEWI-11-02 CG2-23928(A)

Dear Mayor Cook:

In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Lewis County Water Conservancy Board for the above referenced application for change. On DATE Ecology reversed the Board's decision in this matter. On appeal, Ecology and Cardinal Glass (Cardinal, representing the City) have agreed to settle the appeal.

The Department of Ecology is now modifying the decision of the Board, superseding the earlier reversal with this order, and the proposed change/transfer of water right is approved with the following modifications:

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Ecology's tentative determination of the extent of the right to be transferred is 100 gallons per minute, 23.4 Acre-Feet per Year (AFY) of irrigation water.

Ecology's decision on the right to be transferred is 100 gallons per minute, 23.4 Acre-Feet per Year (AFY) for municipal supply, year round.

The points of withdrawal and places of use remain unchanged from the Board's decision.

Page 3 (and 4)

Tentative determination of the extent and validity of the water right. Ecology replaces the Board's analysis of the extent and validity of the right.

As part of the settlement process, Cardinal submitted the administrative division of a water right forms, effectively severing the properties not owned by Mr. Hartzel, from the portion of the water right Mr. Hartzel has contracted to sell to the City of Winlock. The administrative division of the right essentially leaves Mr. Hartzel with the right to irrigate the tree farm. Considering the fact that this change now does not involve adding purposes of use to the right, there is no need for an Annual Consumptive Quantity analysis.

Aerial photos and land photos from 2006 show the land west of the road (the tree farm) being irrigated (approximately 20 acres). It's most likely the same occurred in 2007 to get the young trees established. Cardinal's consultant estimates this water use to be 22 AFY.



For the nursery irrigation, Ecology will use a water duty of 1.5 times the Washington Irrigation Guide values for a generic crop in this location (1.5 to account for the longer irrigation season a nursery may need). A water duty of 1.5 AFY times 1.5 gives us 2.25 AFY. The irrigated area of the nursery is 0.61 acres for a water duty of 1.4 AFY.

The combined total from the tree farm and the nursery comes to 23.4 AFY available for transfer to the City.

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Conclusions

Tentative determination of extent and validity.

See above.

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Potential for impairment of existing water rights

The Board's impairment analysis for this change was incomplete. When considering a transfer of a seasonal right to a year-round use, there must be an examination as to whether the use in the new season would cause impairment to existing water rights.

In this case, the analysis must determine whether senior rights would be impaired by exercising this right in the non-irrigation season. Ecology agrees with the Board's analysis of the potential impairment to other ground water rights and finds none. Ecology also agrees with the analysis of the potential impairment of surface water rights. Both of these findings have merit in the non-irrigation season.

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Decision

Ecology finds that 23.4 AFY can be changed from seasonal irrigation to continuous municipal supply, from a well located as described in the Board's decision.

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Construction Schedule

Ecology modifies the construction schedule as follows:

- Begin construction by June 1, 2017
- Complete Construction by June 1, 2019
- Water to full beneficial use (Proof of Appropriation) by June 1, 2025

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

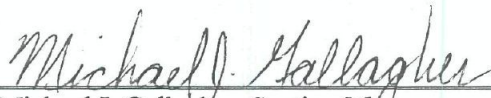
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Therefore, I ORDER approval of Change Application No. CG2-23928(A), subject to existing rights and the provisions specified above.

Signed at Olympia, Washington, this 30th day of May 2012.


Michael J. Gallagher, Section Manager

cc: Janet Rajala, Ecology ERO
Lewis County Water Conservancy Board
Arnie Sugar, HWA GeoSciences Inc.
Andrew Lane, Cairncross & Hemplemann

BY CERTIFIED MAIL: 7011 1150 0000 7881 9258